

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 09, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CHARLES HARRISON BARBEE,

Defendant.

No. 2: 96-CR-0258-WFN-1

ORDER RESETTING SCHEDULE
FOR RESENTENCING

**UNITED STATES MARSHAL
ACTION REQUIRED**

The Court received notice that the United States Marshals Service has not transported Mr. Barbee to the district as previously ordered. Consequently, the resentencing hearing currently set for September 22, 2020, will have to be delayed. The Court has reviewed the file and Motions and is fully informed. Accordingly,

IT IS ORDERED that:

1. The September 22, 2020 resentencing hearing is **STRICKEN and RESET to November 10, 2020, at 9:00 a.m., in Spokane, Washington.**

2. The United States Marshals Service shall **transport the Defendant to the Eastern District of Washington in a timely manner to appear for his resentencing hearing.** The Court requests that Defendant arrive in the Eastern District of Washington **no later than October 16, 2020.**

3. Objections to the draft Presentence Report filed February 14, 2020, shall be communicated to the Probation Officer no later than **October 26, 2020.** Such communication must be conferred in writing to the Probation Officer and opposing counsel. Objections shall be numbered and identify the paragraph(s) to which the objection applies. Objections shall address the PSR in sequential order, beginning with the lowest numbered paragraph.

1 4. After receiving counsel's objections, the Probation Officer shall conduct any
2 further investigation and make any revisions to the presentence report that may be necessary.
3 The Probation Officer may require counsel for both parties to meet with the officer to discuss
4 unresolved factual and legal issues and counsel shall make themselves available for that
5 purpose.

6 5. The Probation Officer shall submit the presentence report to the sentencing judge
7 no later than **November 2, 2020**. The report shall be accompanied by an addendum setting
8 forth any objections counsel may have made, including those that have not been resolved,
9 together with the officer's comments and recommendations thereon. The Probation Officer
10 shall certify that the contents of the report, other than sentencing recommendations,
11 including any revisions or addenda, have been disclosed to counsel for the Defendant and
12 the Government, and that the addendum fairly states any remaining objections.

13 6. Any memorandum or motion regarding sentencing must be filed and served at no
14 later than **November 2, 2020**. The opposing party shall file and serve a response, if any,
15 within 7 days of receipt of the motion.

16 7. If counsel anticipates that a resentencing hearing will take more than an hour, they
17 are requested to notify Court staff so that the Court's calendar provides adequate time to
18 address resentencing issues.

19 The District Court Executive is directed to file this Order and provide copies to
20 counsel, United States Probation Officer Sean Carter **AND TO** the United States Marshals
21 Service—**action required**. .

22 **DATED** this 9th day of September, 2020.

23 

24 _____
WM. FREMMING NIELSEN
25 SENIOR UNITED STATES DISTRICT JUDGE

26 09-09-20